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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,539

05/15/2006

Alex Marti Mercade

TJA-121US

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10/11/2006

RATNERPRESTIA

P O BOX 980

VALLEY FORGE, PA 19482-0980

EXAMINER

SINGH, KAVEL

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/535,539

Applicant(s)

MERCADE ET AL.

Examiner

Kavel P. Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 11, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Mojden U.S. Patent No. 5,450,679.

Regarding claim 1, Mojden discloses a thrusting wheel driven in a rotary fashion by driving means with radial blades (10), a curved track support below the radial blades between a delivery end of an inlet conveyor and reception end of outlet conveyor; a railing along the support of the track where the inlet conveyor (14) conveys articles in a upright on their base on a transfer surface and the outlet conveyor (16) (C3 L50-55) is an overhead conveyor adapted to convey articles hanging from a projecting configuration along lifting guides of the overhead outlet conveyor with a support track of the transfer unit connected to vertical movement that can be driven to adapt the vertical distance between said support track and lifting guides of the outlet conveyor to articles having projecting configurations at different heights (C5 L10-15; L24-25).

Claim 11, Mojden teaches a delivery end of the inlet conveyor (14) made up of a transfer surface with a support plate and arranged below the open bottom walls

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associated with the rotary support (10) positioning articles by pushing along stationary support plane by the walls and transfer by stationary deflecting means (C3 L2-10).

Regarding claim 14, Mojden teaches a driving means of the thrusting wheel (10) to include a wheel to the first and second circular structure by means of adjustment and attachment; as well maintain the same speed of the adjustable positioning machine (16) (C5 L8-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3,4,and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mojden U.S. Patent No. 5,450,679 in view of Gamberini U.S. Patent No. 4,883,163.

Regarding claims 2 and 3, Mojden teaches a rotary wheel conveyor with an infeed and overhead-outfeed system, but does not allow for height adjustability. Gamberini teaches a support track that can be moved by vertical movement means by sleeve (23) and nut (26), which is level with the transfer surface of the inlet conveyor with articles passing from the transfer surface to the support track and delimited radial blades and railing mean (C4 L6-10). At the time of the invention, it would have been obvious to one of ordinary skill to implement an adjustment device into the invention of Mojden as taught by Gamberini for adjustability between the transfer conveyor and the rotary device in increase flexibility.

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Regarding claims 4 and 5, Mojden teaches a rotary wheel conveyor with an infeed and overhead-outfeed system, but does not allow for height adjustability. Gamberini teaches a support track that can be moved by vertical movement means by sleeve (23) and nut (26) connected by a flexible traction element driven by a pinion gear or drive pulley connected to a power shaft with a speed reducer of driving means to rotate the sleeve in a direction (C4 L16-25). At the time of the invention, it would have been obvious to one of ordinary skill to implement an powerized adjustment device into the invention of Mojden as taught by Gamberini for flexibility and ease adjustability between the transfer conveyor.

Claims 6,7,8,9,and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mojden U.S. Patent No. 5,450,679 in view of Yuri U.S. Patent No. 4,974,716.

Regarding claims 6,7, and 8, Mojden teaches a rotary wheel conveyor with an infeed and overhead-outfeed system, but does not disclose multiple rotary units. Yuri discloses a thrusting wheel (2) made up of first and second circular structures, on opposite sides and the radial blades (15) are attached to the circular structures at predetermined angles and attachment means to provide adjustment between radial blades with speed reducer (C2 L35-45). At the time of the invention, it would have been obvious to one of ordinary skill to implement multiple circular units into the invention of Mojden as taught by Yuri for allow for constant production if one rotary system is to fail. Claim 9 and 10, Mojden teaches a rotary wheel conveyor with an infeed and overhead-outfeed system, but does not disclose multiple rotary units. Yuri discloses a guide means in respect to the center of the thrusting wheel in the first (2) or second (16)

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circular coaxial structures, where the guide followers (25) are attached to the coaxial structures and arranged to move with the guide means and releasable attachment for blocking first and second circular structures in angular position (C3 L1-5). At the time of the invention, it would have been obvious to one of ordinary skill to implement adjustable multiple circular units into the invention of Mojden as taught by Yuri order to allow multiple parts sizes to be transported.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mojden U.S. Patent No. 5,450,679 in view of Haub U.S. Patent No. 2,362,132.

Regarding claims 12, Mojden teaches a rotary wheel conveyor with an infeed and overhead-outfeed system, but does not teach a pushing device to steer the articles onto the conveyors. Haub teaches a rotary structure (35) with articles being pushed along the stationary support plane (5) by walls of drop chutes and diverted towards the transfer surface (6) by stationary deflecting having multiple compartments of adjustable width for different size articles (50-54). At the time of the invention, it would have been obvious to one of ordinary skill to a pusher into the invention of Mojden as taught by Haub order to allow constant movement of parts onto the transfer conveyor.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mojden U.S. Patent No. 5,450,679 in view of Haub U.S. Patent No. 2,362,132 in further view of Yuri U.S. Patent No. 4,974,716.

Regarding claims 13, Mojden teaches a rotary wheel conveyor with an infeed and overhead-outfeed system, but does a pushing device to steer the articles onto the conveyors for each rotary device. Yuri teaches predetermined angular separations

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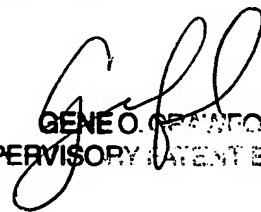
between radial blades along the first (2) and second (16) coaxial structures are adapted in the rotary structure, which are adjustable (C2 L35-45). At the time of the invention, it would have been obvious to one of ordinary skill to a pusher and multiple circular structures into the invention of Mojden as taught by Yuri and Haub order to allow constant movement of parts onto the transfer conveyor.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kavel P. Singh whose telephone number is (571) 272-2362. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER

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